



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 12 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Henry Alicia Sanabria, President  
H.A. Solution & Services, Inc.  
P.O. Box 9005  
Humacao, PR 00792

**Re: Finding of Violation**  
H.A. Solution & Services, Inc.  
Humacao, Puerto Rico

Dear Mr. Sanabria:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to H.A. Solution & Services, Inc. (you). We find that you have violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, specifically the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart A. EPA promulgated these regulations as required by Section 605 of the CAA, 42 U.S.C. § 7671d.

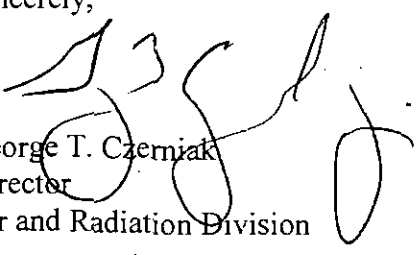
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us, either in person or by telephone, about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Jeffrey Bratko. You may call him at 312-886-6816 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure: SBREFA fact sheet

cc: Charlie Garlow, U.S. EPA, Office of Enforcement & Compliance Assurance  
Dore LaPosta, U.S. EPA Region 2

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**H.A. Solution & Services, Inc.  
Humacao, Puerto Rico**

Proceedings Pursuant to  
the Clean Air Act,  
42 U.S.C. §§ 7401 et seq.

)  
)  
) **FINDING OF VIOLATION**  
)  
) **EPA-5-15-COE-01**  
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**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) finds that H.A. Solution & Services, Inc. (H.A.) is violating the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.* Specifically, H.A. failed to comply with 40 C.F.R. Part 82, Subpart A, as follows:

**Statutory and Regulatory Authority**

1. In accordance with Section 605 of the CAA, 42 U.S.C. § 7671d, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart A, applicable to production and consumption of ozone-depleting substances. The purpose of the regulations is to phase out the production, and restrict the use of, class II substances in accordance with the Montreal Protocol on Substances that Deplete the Ozone Layer.
2. 40 C.F.R. § 82.1(b) states that 40 C.F.R. Part 82, Subpart A applies to any person that imports a controlled substance.
3. 40 C.F.R. § 82.3 defines "controlled substance" as, any substance listed in 40 C.F.R. Part 82, Subpart A, appendix A or appendix B, whether existing alone or in a mixture, but excluding any such substance or mixture that is in a manufactured product other than a container used for the transportation or storage of the substance or mixture. Controlled substances are divided into two classes, Class I and Class II.
4. 40 C.F.R. § 82.3 refers to "Class II" as controlled substances listed in 40 C.F.R. Part 82, Subpart A, appendix B to this subpart.
5. 40 C.F.R. § 82.3 defines "consumption allowance" as the privileges granted by 40 C.F.R. Part 82 to produce and import controlled substances. The definition also states that "a person's consumption allowances for class II controlled substances are the total of the allowances obtained under 40 C.F.R. §§ 82.19 and 82.20, as may be modified under 40 C.F.R. § 82.23."

6. 40 C.F.R. § 82.3 states, in pertinent part, that “import” means “to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.”
7. 40 C.F.R. § 82.3 defines “importer” as, “any person who imports a controlled substance or a controlled product into the United States.” “Importer” includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his or her behalf, and can include, as appropriate, the consignee, importer of record, actual owner or transferee.
8. 40 C.F.R. § 82.3 defines “person” as, “any individual or legal entity, including an individual, corporation, partnership, association, state, municipality, political subdivision of a state, Indian tribe; any agency, department, or instrumentality of the United States; and any officer, agent, or employee thereof.”
9. Appendix B of 40 C.F.R. Part 82, Subpart A includes the compound monochlorodifluoromethane (HCFC-22). The compound is often referred to by the common name R-22.
10. 40 C.F.R. § 82.15(b)(1) states that no person may import class II controlled substances for which EPA has apportioned baseline production and consumption allowances, in excess of the quantity of unexpended consumption allowances held by the importer for that control period.
11. 40 C.F.R. § 82.19 lists persons that are apportioned baseline consumption allowances for class II controlled substances. This regulation does not apportion a baseline C consumption allowance for HCFC-22 to H.A.

### **Findings of Fact**

12. For all times pertinent to this finding of violation, H.A. is a “person” as defined at 40 C.F.R. § 82.3.
13. On or about October 29, 2013, Billion Winton Technology Co., Ltd., of Shenzhen, China issued an invoice for the sale and shipment of 240 cylinders of R-22 to H.A. Solution & Services, P.O. Box 9005, Humacao, Puerto Rico. The 240 cylinders contained a total of 3264 kilograms of R-22.
14. On or about January 12, 2014, United States Customs and Border Protection detained the shipment of R-22 at the port in San Juan, Puerto Rico.
15. R-22 is a controlled substance, as defined by 40 C.F.R. Part 82, Subpart A, appendix B.
16. On February 18, 2014, U.S. Customs and Border Protection seized the shipment of R-22.

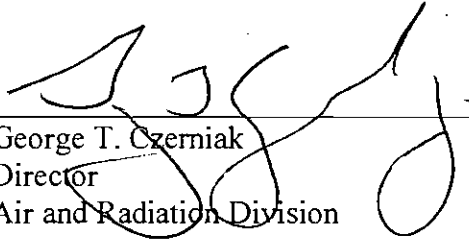
17. H.A.'s attempt to import, and its importation of, R-22 into Puerto Rico, a place subject to the jurisdiction of the United States, makes it an importer of a controlled substance. 40 C.F.R. § 82.3.
18. H.A. has not been apportioned any baseline consumption allowances under 40 C.F.R. § 82.19.

**Finding of Violation**

19. On or about January 12, 2014, H.A. violated 40 C.F.R. §82.15(b)(1) because H.A. imported 3,264 kilograms of R-22 into San Juan, Puerto Rico.

Date

12/12/14

  
George T. Czerniak  
Director  
Air and Radiation Division

# CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Finding of Violation, No. EPA-5-15-COE-01 by Certified Mail, Return Receipt Requested, to:

Henry Alicia Sanabria, President  
H.A. Solution & Services, Inc.  
P.O. Box 9005  
Humacao, PR 00792

I also certify that I sent copies of the Finding of Violation by e-mail to:

Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance  
EPA Region 2

On the 12 day of December 2014.

Kathy Jones  
Loretta Shaffer  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1160 0000 2640 5878